IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2043 OF 2006

Salmabai Yusufali
and 2 Ors. ...Petitioners.
Versus
State of Maharashtra
and 3 Ors. ...Respondents.

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Mr.Zubin Behramkamdin i/b. FZB & Asso. for the Petitioners.
Mr.V.Phad, A.G.P., for Respondent Nos.1 & 5.
Ms.Snehal Shah with Mr.N.Ramchandran i/b. Narayanan & Narayanan, for Respondent Nos.2 to 4.

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CORAM : **F.I.REBELLO AND SMT.V.K.TAHILRAMANI,JJ.**

DATED : **AUGUST 11, 2006.**

P.C.:

1. Rule. Heard forthwith.

2. It is the case of the petitioners that considering the provisions of Section 29(7) of the Maharashtra Rent Control Act, 1999, they had applied to Respondent No.2 to grant them permission for carrying out repairs to the lift. They have received letter dated 10th July, 2006 which indicates that certain defects have to be corrected. However, it is pointed out that, that

does not mean that permission has been granted which would enable the petitioners to carry out the repairs. It is then pointed out that they have received subsequent letter dated 20th July, 2006 on 3rd August, 2006 wherein amongst other it is set out that the letter should be produced from the owner of the building. Considering Section 29(7) of the Maharashtra Rent Control Act, 1999, such a letter would not be required. Even otherwise the land-lord Respondent No.3 does not opposes the said application subject to the petitioners giving undertaking that if the permission is granted to the petitioners to carry out repairs, then they would not claim any damages or loss of property, from Respondent No.4.

3. Having heard Counsel, we are of the opinion that considering Section 29(7) of the Act, the Respondent No.2 within 15 days from today after hearing the petitioners and Respondent Nos. 3 & 4 to pass appropriate orders on the application made by the petitioners. If the petitioners' application is granted, petitioners to file undertaking on affidavit before this Court setting

out that Respondent Nos.3 & 4 will not be liable, for any loss and damages occasioned by repairs to the lift. It is solely after the undertaking is filed, that repairs should be carried out.

4. Rule made absolute accordingly.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]